

### **REMARKS/ARGUMENTS**

Reconsideration of the present application is respectfully requested in light of the following remarks, which are responsive to the Office Action mailed March 11, 2005.

#### **1. Claims Rejected Under 35 U.S.C. § 102(b):**

The Examiner has rejected Claims 1-23 pursuant to 35 U.S.C. § 102(b) as being unpatentable over *Mule*. Applicant respectfully traverses this rejection on the basis that Claims 1-23 are patentably distinguishable from *Mule*.

The invention described by the *Mule* reference does not teach a loudspeaker assembly wherein the transducer is mounted to the baffle such that the audio waves emanating from a mounted transducer avoid being distorted by the baffle. The *Mule* patent is referenced in the Applicant's application and specifically shown as prior art in Figures 1 and 2 of the application to demonstrate the megaphone-like sound problems of the prior art. Both Figures 1 and 2 show the transducers mounted below the outer lip of the speaker wells provided for sound output. The sound produced by the transducers of the *Mule* invention is adversely impacted by the cabinet wall, particularly the thickness of the wall. The sound distortion created by the cabinet wall imparts a megaphone-like quality to the audio output of the loudspeaker.

The present invention is designed to eliminate the megaphone-like effect of the prior art loudspeakers. In the present invention, a mounting flange, which allows for the transducer to be rear mounted, is recessed the same distance as the cabinet's surface thickness, thereby moving the transducer cone forward (hence the name "cone forward") through the baffle opening and eliminating the megaphone-like sound. The ability to provide a cone forward position while being rear mounted avoids the need to rout out the baffle in order to provide a place for the transducer to sit and hence makes the loudspeaker more weather resistant. Accordingly, Applicant's invention is patentably distinguishable from *Mule*.

With reference to the particular claims, the Examiner has rejected independent Claims 1 and 6 on the basis that *Mule* teaches a loudspeaker assembly comprising: a

loudspeaker baffle, the baffle being provided with at least one opening for audio wave output; and, at least one transducer mounted to the baffle such that the audio waves emanating from a mounted transducer avoid being distorted by the baffle. However, *Mule* does not teach a transducer mounted to the baffle such that the audio waves emanating from a mounted transducer avoid being distorted by the baffle. The transducers of *Mule* are recessed below the baffle rim **20a** and **22a** such that sound emanating from the transducers is effectively distorted by the side of the baffle. See Figures 6 and 7 of *Mule*. For these reasons, independent Claims 1 and 6 and dependent Claims 2, 3-5, and 7-8 are patentably distinguishable from *Mule*.

The Examiner has rejected independent Claims 9 and 14 on the basis that *Mule* teaches a loudspeaker assembly comprising: a loudspeaker baffle, the baffle being provided with at least one opening for audio wave output; a flange, the flange being recessed the same distance as the baffle's surface thickness; and, at least one transducer mounted to the baffle by the flange such that the audio waves emanating from a mounted transducer avoid being distorted by the baffle. *Mule* does not teach of a flange being recessed the same distance as the baffle's surface thickness and the transducer being mounted to the baffle by the flange such that the audio waves are not distorted. In *Mule*, the rims **20a** and **22a** hold the transducer below the grille holes **46** such that cones of the transducers are recessed in the speaker cabinet and the sound emanating from the transducers is distorted by the thickness of the baffle. See Figure 7 of *Mule* which shows the transducer recessed below the rims and baffle. In contrast, Applicant's flanges **36** allow the transducer to be mounted such that sound emanating from the transducer is not impeded by the baffle thickness because the cone is in a forward position in the baffle. See Applicant's Figure 3. For these reasons, independent Claims 9 and 14 and dependent Claims 10-13 and 15-18 are patentably distinguishable from *Mule*.

The Examiner has rejected independent Claim 19 on the basis that *Mule* teaches a loudspeaker baffle, the baffle being provided with at least one opening for audio wave output; a grille frame, whereby the frame provides an interface for attaching the grille to the baffle; a flange attached to the baffle; and at least one transducer mounted to the baffle by the flange such that the audio waves emanating from a mounted transducer avoid being distorted by the baffle. *Mule* does not teach a grille frame which provides an

interface for attaching a grille to the baffle or a transducer mounted to the baffle by a flange such that the audio waves emanating from a mounted transducer avoid being distorted by the baffle. In fact, *Mule* teaches of grille holes **46** drilled through the baffle after having been partially formed during casting by way of the projections **36a** formed from a rubber inner mold. See *Mule*, Col. 6, lines 29-34. This pattern of small diameter holes forms speaker grilles, which are an integral part of the baffle. See *Mule*, Figures 5, 6 and 7. The grille, baffle and rims of *Mule* displace the transducer so that the transducer sits below the surface of the speaker cabinet. Sound emanating from the transducers **20** and **22** would effectively be distorted by the baffle and speaker grille of the *Mule* speaker. For these reasons, independent Claim 19 and dependent Claims 20-23 are patentably distinguishable from *Mule*.

Applicant respectfully requests that the Examiner's rejections be withdrawn and all claims in the subject application be permitted to proceed to allowance.

Respectfully submitted,

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Date: Sept. 12, 2005

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